
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

IRVING ERNESTO ARIAS

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CASE NO. 1:19-CR-00014-MAC

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND
RECOMMENDATION ON DEFENDANT’S MOTION TO WITHDRAW GUILTY PLEA**

The court referred Defendant’s *pro se Motions to Withdraw Plea of Guilty* (Doc. No. 314, 323) to United States Magistrate Judge Zack Hawthorn for consideration pursuant to applicable laws and orders of this court. After review and consideration of the above motions, Judge Hawthorn issued a report and recommendation denying Defendant’s motions because he failed to establish a “fair and just reason” for withdrawing his guilty plea. (Doc. No. 338.) Arias filed objections to the report and recommendation. (Doc. No. 341.) In his objections, Arias argues almost entirely that he should be allowed to withdraw his guilty plea because he received ineffective assistance of counsel when his former attorney coerced him into entering a guilty plea.

The court conducted a *de novo* review pursuant to FED. R. CIV. P. 72(b)(3) and 28 U.S.C. § 636(b)(1)(C) of the pending motions, response, the record, the objections, and the applicable law. The court finds the objections have no merit and that Judge Hawthorn’s findings are correct. Arias’s contentions in his original motion and objections are completely belied by the record evidence, specifically Arias’s sworn statements made during the guilty plea hearing. Accordingly, the court **OVERRULES** the Defendant’s Objections (Doc. No. 341), **ADOPTS**

Judge Hawthorn's report and recommendation (Doc. No. 338), and **DENIES** the Defendant's *Motions to Withdraw Guilty Plea* (Doc. No. 314, 323).

Signed this date

Oct 22, 2020

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE